

Commission on Teacher Credentialing

March 6-7, 2002

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COMMITTEE: LEGISLATIVE COMMITTEE

**TITLE: ANALYSIS OF H.R. 1
NO CHILD LEFT BEHIND ACT**

 Action

 XXX **Information**

Strategic Plan Goal(s):

Continue effective and appropriate involvement of the Commission with policy makers on key education issues.

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No Child Left Behind Act (H. R. 1) Elementary and Secondary Education Act Reauthorization

In September 2001, Commission staff presented an item summarizing the status of the reauthorization of the Elementary and Secondary Education Act (ESEA). This summary outlined the provisions of two bills, one introduced in the House of Representatives and the other in the United States Senate (H.R. 1 and S. 1, respectively) that sought to address the reauthorization. Since that time, Congress passed and the President signed into law a conference measure in the form of H.R. 1, the *No Child Left Behind (NCLB) Act*.

While the reauthorization does not directly impact the Commission, it will have far reaching implications for California schools, particularly those who rely on Title I funding. This agenda item outlines the general provisions of NCLB, summarizes teacher quality initiatives, provides specific information concerning the new statute's definition of "high quality" teachers and requirements for paraprofessionals, and reviews new resources for California.

No Child Left Behind Act—Overview

The *No Child Left Behind Act* reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA) providing extra resources for high-poverty schools. NCLB incorporates most of the major reforms proposed by President Bush in his framework for education, particularly in the areas of assessment, accountability, and school improvement. The new law requires States to develop standards and assessments in reading and math for all students in grades 3-8 by 2005-06, and in science for three grade levels by 2007-08. States must also participate biannually in the National Assessment of Educational Progress (NAEP) assessments. In addition, the statute authorizes grants to provide comprehensive reading instruction for children pre-kindergarten through third grade. Schools must use funds for activities that meet the statutory definition of "scientifically based research."

States must also provide annual adequate yearly progress (AYP) objectives disaggregated by student groups based on poverty, race and ethnicity, disability and limited English proficiency. States must ensure that all students reach proficiency in reading and math within 12 years.

The new law requires schools failing to make AYP for two consecutive years to develop improvement plans incorporating strategies from "scientifically based research." Schools that do not improve would be subject to specified actions ranging from offering alternative public school choice options to State takeover.

The *No Child Left Behind Act* represents the federal governments single largest investment in public education, committing over \$22.1 billion in elementary and secondary education; a 27 percent increase over last year.

A detailed analysis of NCLB is provided in Attachment A, *Elementary and Secondary Education: Reconsideration of the Federal Role by the 107th Congress*, an issue brief by the Congressional Research Service.

Teacher Quality Initiatives

Title II of the NCLB authorizes a new State formula grant program that combines the Eisenhower Professional Development State Grants and Class-Size Reduction programs into one program that focuses on preparing, training, and recruiting high-quality teachers. It allows schools increased flexibility to allocate funds among professional development, class-size reduction, and other teacher quality activities without the requirements that are in current law. In addition, Title II authorizes:

- State funds to be used to reform teacher and principal certification/licensing requirements, alternative routes to State certification, teacher and principal recruitment and retention initiatives, reforming tenure systems, teacher testing, and merit pay;
- Local funds to be used for teacher and principal recruitment and retention initiatives, signing bonuses and other financial incentives, teacher and principal mentoring, reforming tenure systems, merit pay teacher testing, and pay differential initiatives;
- The U.S. Secretary for Education to use funds to:
 1. Establish a national teacher recruitment campaign;
 2. Establish a National Panel on Teacher Mobility to study strategies for increasing mobility and employment opportunities for highly qualified teachers; and
 3. Offer competitive grants to state and local agencies to recruit and train principals and assist principals, support teachers seeking advanced certification or advanced credentialing, and to improve the knowledge and skills of early childhood educators, as specified.
- The Troops to Teachers Program to assist eligible members of the Armed Forces to obtain teacher certification or licensure and to facilitate their employment into high need areas;
- “Transitions to Teaching,” competitive five-year grants for programs to recruit and retain highly qualified mid-career professionals and recent college graduates as teachers in high-need schools, including recruiting teachers through alternative certification routes;
- A separate Math and Science Partnership competitive grant program.

“High Quality” Teachers

Beginning with the 2002-03 school year, the NCLB requires local education agencies using Title I funds to ensure that newly hired teachers are “highly qualified.” By 2005-06, all teachers in core academic subjects must be “highly qualified.” “Highly qualified” is defined in Section 9101 as follows:

23) *HIGHLY QUALIFIED*- The term ‘highly qualified’--

“(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that--

`(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

`(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

`(B) when used with respect to--

`(i) an elementary school teacher who is new to the profession, means that the teacher--

I) holds at least a bachelor's degree; and

`(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

`(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by--

(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing;

While it appears that secondary teachers can meet the definition of “highly qualified” by an approved program option, it seems that this option is not available to newly hired elementary school teachers. The California Department of Education will be seeking clarification of this and other issues during the regulatory process.

New Requirements for Paraprofessionals

Under the NCLB, all new paraprofessionals paid with Title I funds must have a high school diploma and have:

1. completed at least two years of college;
2. obtained an associate's (or higher) degree; or
3. met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment:
 - a) knowledge of, and the ability to assist in instructing, reading, writing and mathematics; or
 - b) knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

By 2005-06, all paraprofessionals must meet the above criteria except for specific exemptions provided for paraprofessionals involved in translation and parental involvement activities.

In addition, paraprofessionals are restricted to assisting in the following areas: one-on-one tutoring; classroom management, computer laboratory; parental involvement; library or media center; translation or instructional services under the direct supervision of a teacher.

The NCLB contains specific prohibitions against using funds to plan, develop, implement or administer any mandatory national teacher or paraprofessional test or certification.

New Resources for California

The new statute provides the following resources to California:

- Overall increase in federal education funding to \$5.4 billion—nearly \$836 million more than last year;
- Increased Title I funding to \$1.7 billion—approximately \$410 million more than last year;
- \$333.5 million to train and retain skilled educators;
- \$132.9 million for Reading First to ensure that children learn to read at or above grade level by the third grade;
- \$28.9 million for school districts for student assessments;
- \$61.2 million for drug-free and safe schools;
- \$41.4 million for after-school programs for at-risk children.